

JUL 8 1976

MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

NO. 75-1819

MRS. LOUELLA CUTHBERTSON, ET AL,
Petitioners

vs.

CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT

**BRIEF OF THE CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION IN OPPOSITION**

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ARGUMENT AND CONCLUSION

The issue raised in this case and on this petition for writ of certiorari is controlled by the decision of the United States Supreme Court in *Swann v. Charlotte Mecklenburg Board of Education*, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed 2d 554 (1971) and by the subsequent *Swann* decisions of this Court of Appeals reported at 453 F. 2d 1377 (1972) and 489 F. 2d 966 (1974) and of the United States District Court for the Western District of North Carolina reported at 328 F. Supp. 1346 (1971), 334 F. Supp. 623 (1971), 362 F. Supp. 1223 (1973), 379 F. Supp. 1102 (1974) and 67 F.R.D. 648 (1975). See also *North Carolina State Board of Education v. Swann*, 402 U.S. 43, 91 S. Ct. 1284, 28 L. Ed. 2d 586 (1971) and *Swann v. Charlotte Mecklenburg Board of Education and Taylor et al.*, 501 F.2d 383.

On account of those decisions the petition for a writ of certiorari should be denied.

Respectfully submitted,
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